

PROCEDURAL SAFEGUARDS NONDISCRIMINATION ON THE BASIS OF HANDICAP/DISABILITY

The Nashua School District provides the following procedures for conducting impartial due process hearings under Section 504 of the Rehabilitation Act of 1973 and Title II of the American with Disabilities Act of 1990.

Any parent/guardian who wishes to request an impartial due process hearing under Section 504 of the Rehabilitation Act of 1973 (Section 504) or Title II of the American with Disabilities Act of 1990 may contact Director of Student Services, Administrative Office, 141 Ledge Street, Nashua, New Hampshire 03060, telephone (603) 966-1000.

Within 5 school days of receiving the request for an impartial due process hearing under Section 504 or Title II, the District Discrimination Complaint Manager will arrange for a hearing as follows:

Procedure for Conducting Impartial Due Process Hearings

A request for an impartial due process hearing under Section 504 or Title II must be in writing and identify the reason for the request (e.g., briefly explain what is inappropriate about a matter concerning identification, evaluation, and/or educational placement). The person making the request may be assisted by any person of his/her choosing. The following procedure will be followed when the Director of Student Services receives a request for an impartial due process hearing under Section 504 or Title II.

- A. Section 504 Coordinator will appoint an impartial hearing officer (a non-school district employee) who will conduct the hearing within fifteen (15) calendar days after the request is received;
- B. The Section 504 Coordinator shall give the parent/guardian, student, or employee a minimum of seven calendar days written advance notice of the date, time, and place of the hearing;
- C. The hearing must be conducted by an individual, who does not have a direct interest in the outcome of the hearing and is knowledgeable of applicable laws;
- D. The local school district shall give the parent/guardian, student, or employee a full and fair opportunity to present evidence relevant to the issues raised. The parent/guardian, student, or employee may, at their own expense, be assisted or represented by individuals of his or her choice, including an attorney;
- E. The hearing officer shall issue a decision, in writing, within fifteen (15) calendar days after the hearing;

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(continued)

- F. The decision must be based solely on the evidence presented at the hearing and shall include a summary of the evidence and reasons for the decision.
- G. If desired either party may seek a review of the hearing officer's decision by a court of competent jurisdiction.
- H. The hearing officer's decision shall be implemented unless the decision is stayed, modified, or overturned by a court.
- I. The district shall have no financial obligation with respect to attorney fees incurred by the parent(s) or guardian(s) in the course of the Section 504 hearing.

All claims must be made in writing and filed with the District's 504 Coordinator who is responsible for assuring that the District complies with Section 504 and the Americans with Disabilities Act (ADA).

*Director of Student Services,
Berard Masse Administration Building,
141 Ledge Street,
Nashua, New Hampshire 03060*